

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Franklyn Dimun Garrison,

Petitioner,

Case Number: 21-cv-12769

Honorable Denise Page Hood

v.

Bryan Morrison,

Respondent.

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**ORDER DENYING MOTION TO APPOINT COUNSEL (ECF No. 31)  
and  
MOOTING APPLICATION TO PROCEED WITHOUT  
PREPAYING FEES OR COSTS (ECF No. 24)**

This matter is before the Court on Petitioner Franklyn Dimun Garrison's Motion to Appoint Counsel. (ECF No. 31) On March 31, 2025, the Court entered an Opinion and Order Conditionally Granting the Petition for Writ of Habeas Corpus, along with a Judgment. (ECF Nos. 17, 18) On April 30, 2025, Respondent Bryan Morrison filed a Notice of Appeal. (ECF No. 21)

Once a notice of appeal has been filed, the Court loses jurisdiction over the case. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); *Workman v. Tate*, 958 F.2d 164, 167 (6th Cir. 1992). The notice of appeal divests the Court of jurisdiction to consider his motion for the appointment of appellate counsel. *Wagner v. Smith*, 06–10514, 2007 WL 3124659, at \*2 (E.D. Mich. Oct. 25,

2007) (citing *Glick v. U.S. Civil Comm'n*, 567 F.Supp. 1483, 1490 (N.D. Ill. 1983); *Brinton v. Gaffney*, 560 F.Supp. 28, 29–30 (E.D. Pa. 1983); *Grizzell v. Tennessee*, 601 F.Supp. 230, 232 (M.D. Tenn. 1984)); *Ashley v. Wilson*, No. 10-10512, 2010 WL 1949630, at \*1 (E.D. Mich. May 13, 2010).

Because a Notice of Appeal has been filed, only the Sixth Circuit has the authority to appoint counsel to represent Petitioner on appeal. As to Petitioner's Application to Proceed Without Prepaying Fees on Appeal, it is noted that it was Respondent who filed a Notice of Appeal and has paid the fee to file such. Petitioner is not required to pay any appeal fees in this matter.

Accordingly,

IT IS ORDERED that Petitioner's Motion to Appoint counsel (ECF No. 31) is DENIED without prejudice. Petitioner may refile the motion before the Sixth Circuit Court of Appeals.

IT IS FURTHER ORDERED that Petitioner's Application to Proceed Without Prepaying Fees or Costs on Appeal (ECF No. 24) is MOOT.

s/Denise Page Hood  
DENISE PAGE HOOD  
United States District Judge

Dated: July 2, 2025